Declaratory Resolution No. 654-1932

For the condemnation of a right-of-way for pole line purposes across, through and under portions of lots numbered 27 and 28 White's Sub.; also a portion of the vacated alley lying between lots Nos. 27 & 28 White's Sub.

Adopted: — July 12, 1932

Hearing: — Aug. 4, 1932

Confirmed: Aug 10, 1932

Assess. R. Aff'd.: - Aug. 30, 1932

Hearing: Sept 15, 1932

Assess Roll Confirmed: - Sept. 22, 1932

Completed.

ALL ACTION RESCINDED
Feb. 6, 1936
By order of City Attorney.
See data filed with Resolution.

Declaratory Exhibit 1.
C.O. Smith.

DECLARATORY RESOLUTION NO. 654-1932.

For the condemnation of a right of way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed necessary to condemn a right of way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

All as shown by a plan of such proposed condemnation of a right of way for pole line purposes as above described now on file in the office of the Department of Public Works of said City.

The condemnation of the right of way to be made by condemning and appropriating for pole line purposes the south six (6) feet of Lots Numbered 27 and 28 White's Subdivision; also the south six (6) feet of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

The property which may be injuriously or beneficially affected by the proposed pole line right of way as above described is described as all lots and lands lying west of Anthony Boulevard; north of the Wabash Railroad right of way;east of Lillie Street and south of Hayden Street.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal annual installments with interest at the rate of five (5%) per cent per annum. Under no circumstances shall the City of Fort Wayne, Indiana, be or be held responsible for any sum or sums due from said property owner or owners for said condemnation of property or for the payment of any bond or bonds, certificate or certificates issued in payment for such property damages except for such moneys as shall have been actually received by the City from the assessments for such property damages or such moneys as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

All of said streets and alleys and lots and lands affected by the above described pole line right of way being situated in the East Half of the Northeast Quarter of Section 12, Township 30 North, Range 12 East, and lying within the corporate limits of the city of Fort Wayne, Indiana.

Adopted this 12th day of July, 1932.

John Brim

David Erwin

G. A. Ramsey

Board of Public Works.

Attest: Scott S. Smith

Secretary.

ALL ACTION RESCINDED
February 6, 1936.

Local Sewer Imp. Res. No.

Plans and Specifications Approved

Adopted

Confirmed

Proposal

Contract and Bond

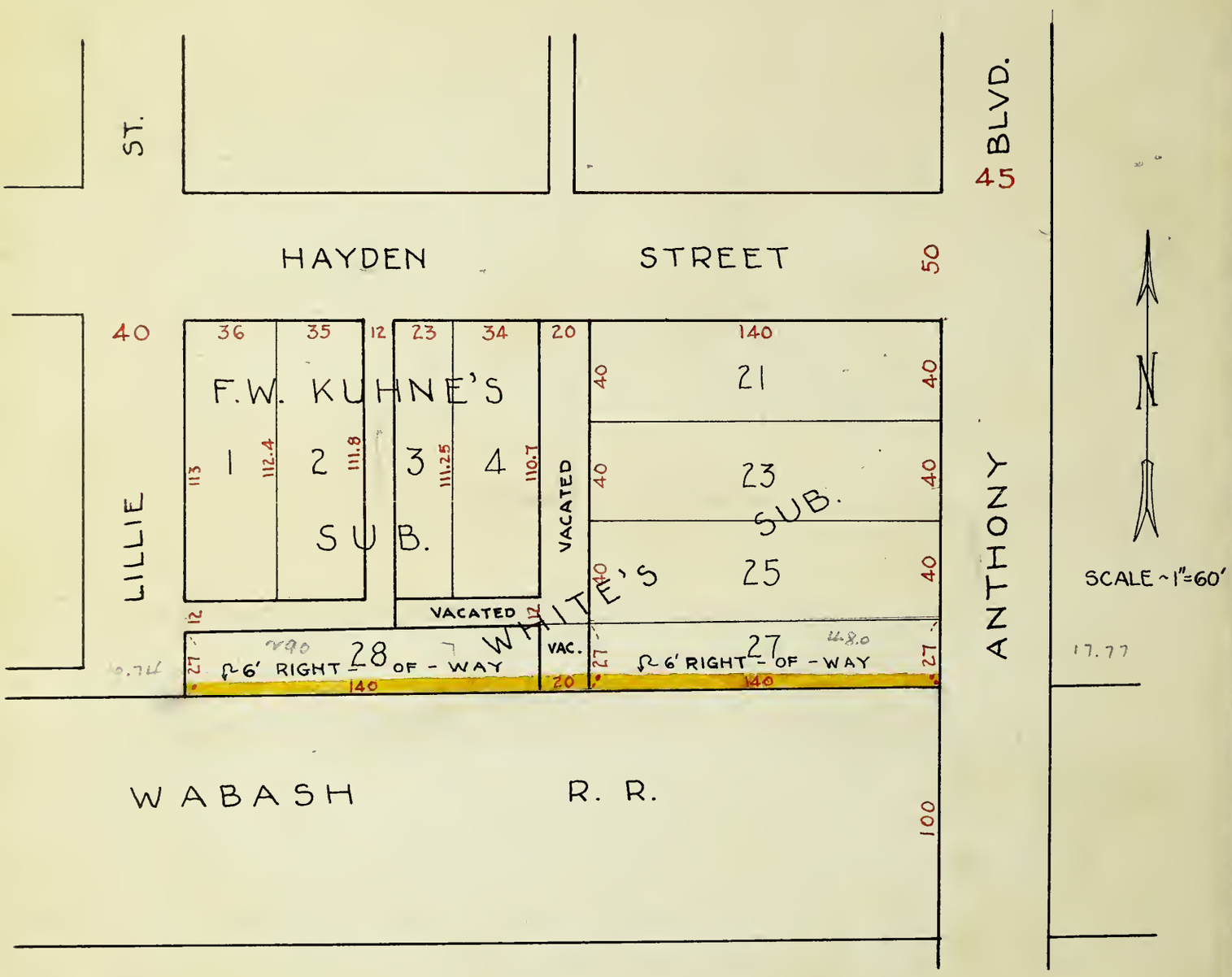
Contractor

Engineer's Report

Work Accepted

PLAN FOR THE CONDEMNATION OF A RIGHT-OF-WAY FOR POLE LINES ACROSS, THROUGH & UNDER PORTIONS OF LOTS 27 + 28 WHITE'S SUBDIVISION; ALSO A PORTION OF THE VACATED ALLEY LYING BETWEEN LOTS 27 + 28 WHITE'S SUBDIVISION.

DEC. RES. No. 654-1932.



C O P Y

DECLARATORY RESLUTION NO. 654-1932.

For the condemnation of a right of way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed necessary to condemn a right of way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

All as shown by a plan of such proposed condemnation of a right of way for pole line purposes as above described now on file in the office of the Department of Public Works of said City.

The condemnation of the right of way to be made by condemning and appropriating for pole line purposes the south six (6) feet of Lots Numbered 27 and 28 White's Subdivision; also the south six (6) feet of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

The property which may be injuriously or beneficially affected by the proposed pole line right of way as above described is described as all lots and lands lying west of Anthony Boulevard; north of the Wabash Railroad right of way; east of Lillie Street and south of Hayden Street.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal annual installments with interest at the rate of five (5%) per cent per annum. Under no circumstances shall the City of Fort Wayne, Indiana, be or be held responsible for any sum or sums due from said property owner or owners for said condemnation of property or for the payment of any bond or bonds, certificate or certificates issued in payment for such property damages except for such moneys as shall have been actually received by the City from the assessments for such property damages or such moneys as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

All of said streets and alleys and lots and lands affected by the above described pole line right of way being situated in the East Half of the Northeast Quarter of Section 12, Township 30 North, Range 12 East, and lying within the corporate limits of the city of Fort Wayne, Indiana.

Adopted this 12th day of July, 1932.

JOHN C. TRIER (SIGNED)

DAVID ERWIN (SIGNED)

C. A. RAMSEY (SIGNED)
Board of Public Works.

Attest: SCOTT S. SNYDER (SIGNED)
Secretary.

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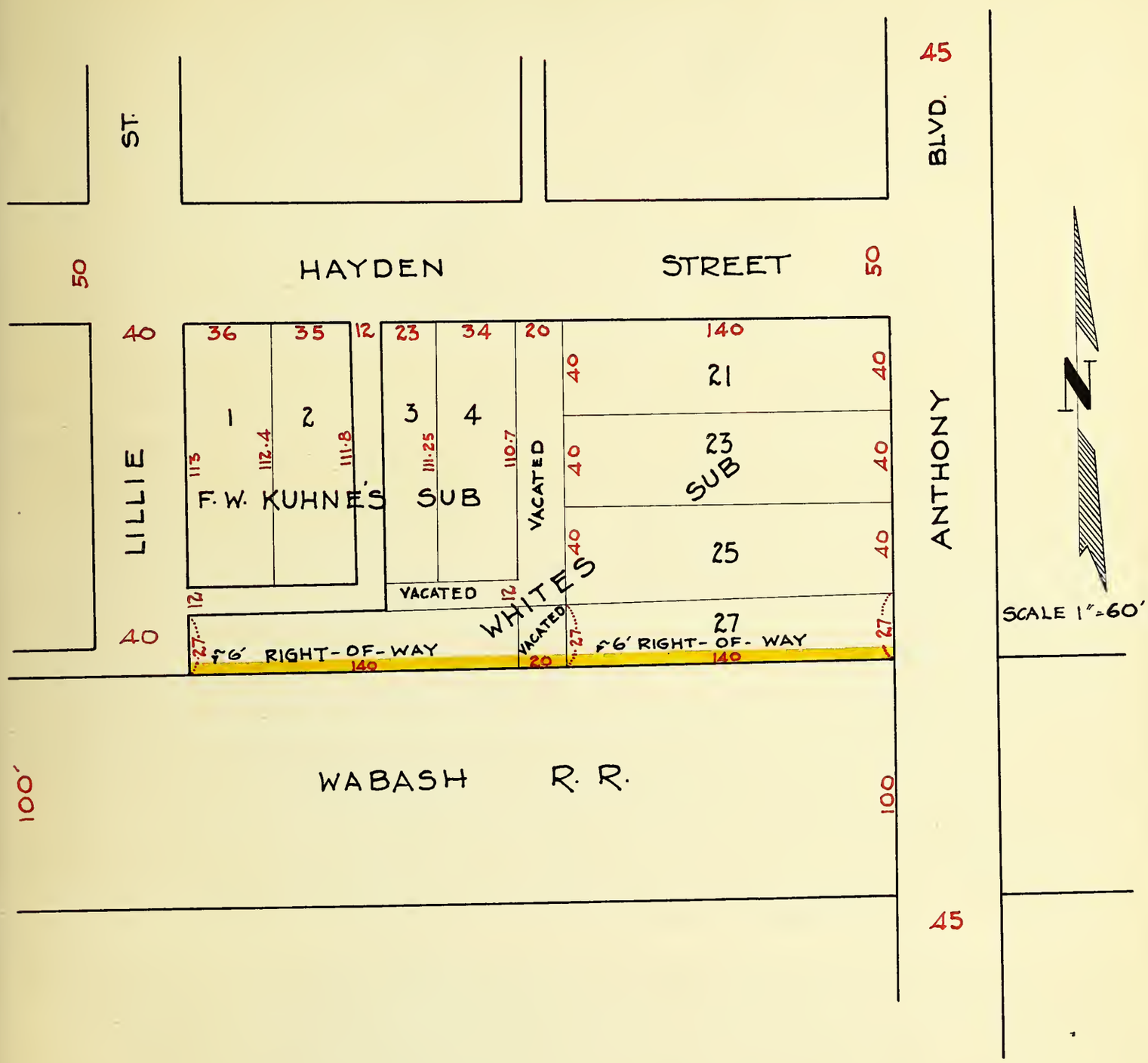
https://archive.org/details/declaratoryresol6541unse

PLAN FOR THE CONDEMNATION OF A RIGHT-OF-WAY FOR POLE LINES ACROSS, THROUGH AND UNDER PORTIONS OF LOTS 27 AND 28 WHITE'S SUBDIVISION; ALSO A PORTION OF THE VACATED ALLEY LYING BETWEEN LOTS 27 AND 28 WHITES SUBDIVISION.

DEC. RES. № 654 - 1932



COPY

TO THE CONTROLLER, DEPARTMENT OF FINANCE, City of Fort Wayne, Ind.:

Department of Public Works, Fort Wayne, Ind., September 22 19 32

We hereuith report Estimate Roll for the condemnation of a right of way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

Authorized by Improvement Resolution No. Declaratory 654 *, 19* 32 ~~*based upon the terms of the Contract by*~~ ~~*Contractor*~~ *, for said work, approved by the Board of Public Works* adopted 12th *the day of* July, 1932 *19*

Total length frontage of Improvement, _____ *Lin. Feet*

Cost per Lin. foot per Contractors Bid, $

Total Cost of Improvement, $

Average Cost per lineal foot front, $

Width _____ *Lin. Feet*

Total allowance to property owners, $

Total cost of work done by Contractor, $

PLAINTIFF'S EXHIBIT 8
A. B. Smith

Line	OWNER'S NAME	ADDRESS	NUMBER OF Lot	Block	Out Lot	Feet	DESCRIPTION	Amount of Benefits	Amount of Damages	Excess of Benefits	Excess of Damages	Adv. Costs	Interest Added	Received Payment Month	Day	Year	Receipt Number	Line
1	Goette, Sophia	2215 Hanna St.	27				Whites Subdivision											1
2	"	"	28															2
3	"	"	Vacated alley lying between Lots 27 & 28															3
4			Whites Subdivision						175 00									4
5																		5
6	City of Fort Wayne						For Advertising & Recording		20 00									6
7																		7
8	City Light & Power Works							195 00										8
9																		9
10																		10
11																		11
12																		12
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24																		24
25							JOHN C. TRIER	(SIGNED)										25
26																		26
27																		27
28							DAVID ERWIN	(SIGNED)										28
29																		29
30							C. A. RAMSEY	(SIGNED)										30
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34																		34
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43																		43
44																		44
45																		45
46																		46
47																		47
48																		48
49																		49
50																		50
							Total											

Sept. 22, 1932

I hereby certify that the above Estimate is correct.

City Civil Engineer

TO THE CONTROLLER, DEPARTMENT OF FINANCE, City of Fort Wayne, Ind.:

Department of Public Works, Fort Wayne, Ind., _____ 19____

We herewith report Estimate Roll for

Authorized by Improvement Resolution No. _____ *, 19* ____ *, based upon the terms of the Contract of* _____ *Contractor, for said work; approved by the Board of Public Works* _____ *the day of* _____

19

Total length frontage of Improvement, _____ *Lin. Feet*

Cost per Lin. foot per Contractors Bid, $ _____ *Width* _____ *Lin. Feet*

Total Cost of Improvement, $ _____ *Total allowance to property owners,* $ _____

Average Cost per lineal foot front, $ _____ *Total cost of work done by Contractor,* $ _____

Line	OWNER'S NAME	ADDRESS	NUMBER OF Lot	Block	Out Lot	Feet	DESCRIPTION	Cost of Improvement Dolls.	Cts	%		Cost of Improvement per %		Total Cost including Water Service		Adv. Costs		Interest Added		Received Payment Month	Day	Year	Receipt Number	Line
1																								1
2																								2
3																								3
4																								4
5																								5
6																								6
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47																								47
48																								48
49																								49
50																								50
							Total																	

I hereby certify that the above Estimate is correct.

_____ City Civil Engineer

COPY

Declaratory Resolution #654 1932

COPY

For the condemnation of a right of way for pole line purposes across, thru and under portions of Lots #27 & 28 White's Subdivision; also a portion of the vacated alley lying between Lots #27 & 28 White's Subdivision

Adopted: July 12, 1932

Not. to Prop. Owners — July 13 & 20, 1932.

Hearing — Aug 4, 1932.

Finally Confirmed — Aug 10, 1932.

Assessment Roll Ord — Aug 10, 1932.

Notices Mailed — Aug 31, 1932.

Hearing - Assess. Roll - Sept. 15, 1932.

Assessment Roll Confirmed — Oct. 22, 1932.

(Copy).

Original held by Clerk of the Circuit Court.

Completed.

Filed - Nov. 30, 1932.

Original held by the Clerk of the Circuit Court.

Local Sewer Imp. Res. No.

Plans and Specifications Approved

Adopted

Confirmed

Proposal

Contract and Bond

Contractor

Engineer's Report

Work Accepted

CITY OF Fort Wayne

FORT WAYNE, INDIANA

February 6, 1936

OFFICE OF
LEGAL DEPARTMENT

Board of Public Works
City Hall
Fort Wayne, Indiana

Attention: Robert G. Beams, Chairman.

Dear Mr. Beams:

Under Declaratory Resolution Number 654 - 1932, the City of Fort Wayne condemned a right -of-way for pole line purposes across, through and under portions of Lots Numbered Twenty-seven (27) and Twenty-eight (28) White's Subdivision; also, a portion of the vacated alley lying between Lots Numbered Twenty-seven (27) and Twenty-eight (28) White's Subdivision. The assessment roll was finally confirmed on September 22, 1932.

Pursuant to the condemnation proceedings, linemen of the City Light and Power Works at that time attempted to enter upon the above described premises. Mr. Berning and Mr. Goette of the Walton Coal Company prevented them from entering upon these premises. The City of Fort Wayne then filed injunction proceedings against Sophia Goette, Fred H. Goette, Henry Berning and the Walton Coal Company. The writer, at that time, represented these defendants and the case was ultimately tried in the Adams Circuit Court. The trial was practically completed; however, Mr. Benninghoff requested for a continuance in order to bring additional witnesses in, which, however, he never did. Finally the cause was dismissed, and the tender which was offered to the defendants in the form of gold has since been returned to the City Light and Power Works.

The City Light and Power Works, shortly after this case was tried, erected its line poles over a different route. The owners of this real estate have requested that the Declaratory Resolution Number 654 - 1932 be rescinded in order to clear their title. May I, therefore, recommend to your Board that you rescind Declaratory Resolution Number 654 - 1932.

Yours very truly,

Walter E. Helmke

WALTER E. HELMKE, CITY ATTORNEY

WEH:JS

Filed: Feb. 6, 1936

PLAINTIFF'S EXHIBIT NO. 4.

COPY

PROOF OF PUBLICATION

STATE OF INDIANA, ALLEN COUNTY, SS.

In the City of Fort Wayne, July 30 *A. D. 193*2.

NOTICE TO PROPERTY OWNERS

Department of Public Works,
Office of the Board,
Room 2, City Hall.
Fort Wayne, Ind., July 12, 1932.

Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 12th day of July, 1932, the Board of Public Works, deeming it necessary to make certain public improvements, adopted the following Declaratory Resolution:

Declaratory Resolution No. 654—1932.

For the condemnation of a right of way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed necessary to condemn a right of way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

All as shown by a plan of such proposed condemnation of a right of way for pole line purposes as above described now on file in the office of the Department of Public Works of said City.

The condemnation of the right of way to be made by condemning and appropriating for pole line purposes the south six (6) feet of Lots Numbered 27 and 28 White's Subdivision; also the south six (6) feet of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

The property which may be injuriously or beneficially affected by the proposed pole line right of way as above described is described as all lots and lands lying west of Anthony Boulevard; north of the Wabash Railroad right of way; east of Lillie Street and south of Hayden Street.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in 10 equal annual installments with interest at the rate of five (5%) percent per annum. Under no circumstances shall the City of Fort Wayne, Indiana, be or be held responsible for any sum or sums due from said property owner or owners for said condemnation of property or for the payment of any bond or bonds, certificate or certificates issued in payment for such property damages except for such moneys as shall have been actually received by the City from the assessments for such property damages or such moneys as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

All of said streets and alleys and lots and lands affected by the above described pole line right of way being situated in the East Half of the Northeast Quarter of Section 12, Township 30 North, Range 12 East, and lying within the corporate limits of the city of Fort Wayne, Indiana.

Adopted this 12th day of July, 1932.

The Board of Public Works have fixed Thursday, the 4th day of August, 1932, as a date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 7:30 o'clock P.M., Central Daylight Saving Time, said Board will meet at their office for the purpose of taking final action thereon.

JOHN TRIER,
DAVID ERWIN,
CHARLES A. RAMSEY,
Board of Public Works.

Attest: Scott S. Snyder, Secretary.
7, 13-20.

Personally appeared before the undersigned, Martha L. Branning, who, being duly sworn according to law, saith that she is the Secretary-Treasurer of THE FORT WAYNE NEWS-SENTINEL, a Daily Newspaper of general circulation, printed and published in said County and State, and that the notice herewith attached was published in the said Fort Wayne News-Sentinel in the daily edition for two times, the first publication being on the 13th day of July, 193..; the second on the 20th day of July, 193 2; and the third on the ..... day of ..... 193..; and the fourth on the ..... day of ....., 193..;

MARTHA L. BRANNING

Subscribed and Sworn To before me, this 4th day of August, 193 2.

LENORE TUSSING

Notary Public.

My Commission expires July 24, 1933.

THE FORT WAYNE
NEWS-SENTINEL

No.....

PROOF OF PUBLICATION

.....

VS.

.....

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.....

Filed....., *193*....

Printer's Fee, - $.....

Form No. 79

has resumed its ship-to-shore air mail service from the liner Europa. When the liner is 700 miles or so from port a plane is catapulted off with mail.

Seventeen Ford tri-motored transport planes have been completely overhauled by Transcontinental & Western Air at a cost of $60,000. They have been completely cowled and streamlined and passenger capacity increased to 12 by installing mail bins in the wings. Mail and express capacity is 750 pounds. Fords are the only tri-motored planes used on the coast-to-coast route, the company's Fokkers being used on the Pacific Coast route and in shuttle service.

NTIST

PLAINTIFF'S EXHIBIT NO. 2.

MINUTE RECORD NO. 19 - Pages 430, 431 and 432.

Department of Public Works,
Office of the Board,
Room 2, City Hall,
Fort Wayne, Indiana,
Tuesday, July 12, 1932,
Regular Meeting held at 10:00 o'clock A. M.

PRESENT: John C. Trier, David Erwin,
S. S. Snyder, Secretary.

****

The City Engineer now submitted plans and specifications for the condemnation of a right-of-way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision, as more fully set out in Declaratory Resolution Number 654 - 1932, which plans and specifications were upon motion approved:

Motion was made, seconded and carried that the following resolution be adopted:

DECLARATORY RESOLUTION NUMBER 654 - 1932.

For the condemnation of a right-of-way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed necessary to condemn a right-of-way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

All as shown by a plan of such proposed condemnation of a right-of-way for pole line purposes as above described now on file in the office of the Department of Public Works of said City.

The condemnation of the right-of-way to be made by condemning and appropriating for pole line purposes the south six (6) feet of Lots Numbered 27 and 28 White's Subdivision; also the south six (6) feet of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

The property which may be injuriously or beneficially affected by the proposed pole line right-of-way as above described is described as all lots and lands lying west of Anthony Boulevard; north of the Wabash Railroad right-of-way; east of Lillie Street and south of Hayden Street.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal annual installments with interest at the rate of five (5) per cent per annum. Under no circumstances shall the City of Fort Wayne, Indiana, be or be held responsible for any sum or sums due from said property owner or owners for said condemnation of property or for the payment of any bond or bonds, certificate or certificates issued in payment for such property damages except for such moneys as shall have been actually received by the City from the assessments for such property damages or such moneys as said City is by said above entitled act required to pay. All proceedings had

in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

All of said streets and alleys and lots and lands affected by the above described pole line right-of-way being situated in the East Half of the Northeast Quarter of Section 12, Township 30 North, Range 12 East, and lying within the corporate limits of the City of Fort Wayne, Indiana.

Motion was made, seconded and carried that Notice to Property Owners of the adoption of Declaratory Resolution Number 654, be published in the Fort Wayne Journal-Gazette and the Fort Wayne News-Sentinel on the 13th and 20th days of July, 1932, and that Thursday, the 4th day of August, 1932, at 7:30 o'clock P. M., be fixed a date and time when the Board will hear and consider objections or remonstrances against the foregoing resolution, also a date and time when they will consider confirming the same.

The Board then upon motion adjourned.

JOHN C. TRIER (SIGNED)

DAVID ERWIN (SIGNED)
BOARD OF PUBLIC WORKS.

ATTEST: SCOTT S. SNYDER (SIGNED)
SECRETARY-CLERK

C-O P Y - JOURNAL-GAZETTE

PLAINTIFF'S EXHIBIT NO. 3.

PROOF OF PUBLICATION - NO. 8, Page 163.

NOTICE TO PROPERTY OWNERS.

Department of Public Works,
Office of the Board,
Room 2, City Hall,
Fort Wayne, Indiana. July 12, 1932.

Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 12th day of July, 1932, the Board of Public Works, deeming it necessary to make certain public improvements, adopted the following Declaratory Resolution:

DECLARATORY RESOLUTION NO. 654 - 1932.

For the condemnation of a right of way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

Resolved, By the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed necessary to condemn a right of way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

All as shown by a plan of such proposed condemnation of a right of way for pole line purposes as above described now on file in the office of the Department of Public Works of said City.

The condemnation of the right of way to be made by condemning and appropriating for pole line purposes the south six (6) feet of Lots Numbered 27 and 28 White's Subdivision; also the south six (6) feet of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision.

The property which may be injuriously or beneficially affected by the proposed pole line right of way as above described is described as all lots and lands lying west of Anthony Boulevard, north of the Wabash Railroad right of way; east of Lillie Street and south of Hayden Street.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal annual installments with interest at the rate of five (5%) per cent per annum. Under no circumstances shall the City of Fort Wayne, Indiana, be or be held responsible for any sum or sums due from said property owner or owners for said condemnation of property or for the payment of any bond or bonds, certificate or certificates issued in payment for such property damages except for such moneys as shall have been actually received by the City from the assessments for such property damages or such moneys as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

All of said streets and alleys and lots and lands affected by the above described pole line right of way being situated in the East Half of the Northeast Quarter of Section 12, Township 30 North, Range 12 East, and lying within the corporate limits of the city of Fort Wayne, Indiana.

Adopted this 12th day of July, 1932.

The Board of Public Works have fixed Thursday, the 4th day of August, 1932, as a date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 7:30 o'clock p. m., Central Daylight Saving Time, said Board will meet at their office for the purpose of taking final action thereon.

JOHN C. TRIER,
DAVID ERWIN,
CHARLES A. RAMSEY,
Board of Public Works.

ATTEST: Scott S. Snyder, Secretary.

July 13-20, 1932.

PLAINTIFF'S EXHIBIT NO. 3.

C O P Y

PROOF OF PUBLICATION

STATE OF INDIANA, ALLEN COUNTY, SS.

In the City of Fort Wayne, _____ *A. D. 193* ____

Personally appeared before the undersigned

A. F. SCHERER

who being duly sworn according to law, says that he is the Auditor *of*

The Fort Wayne Journal-Gazette

a Daily Newspaper of general circulation printed and published in said County and State; and that the notice herewith attached was published in the said Fort Wayne Journal-Gazette Two *times successively, the first publication being on the* 12 *day of* July *193*2*;*
the second on the 20 *day of* July *193*2*;*
the third on the _____ *day of* _____ *193*__*;*
the fourth on the _____ *day of* _____ *193*__*;*

A. F. SCHERER

SUBSCRIBED AND SWORN to before me this 20 *day of* July *1932.*

ELIZABETH C. HARKENRIDER
Notary Public, Allen County.

NOTARY PUBLIC, ALLEN COUNTY, IND.
My commission expires May 18, 1933.

3-1-32—2500

The Fort Wayne Journal-Gazette

FORT WAYNE, INDIANA

No. _____

Proof of Publication

_____

_____

vs.

_____

_____

Filed _____ *193* _____

Publisher's Fee - - $ _____

PLAINTIFF'S EXHIBIT NO. 5

MINUTE RECORD NO. 19 - Page 447.

Department of Public Works,
Office of the Board,
Room 2, City Hall,
Fort Wayne, Indiana,
Thursday, August 4, 1932,
Regular Meeting held at 7:30 o'clock P. M.

PRESENT: John C. Trier, David Erwin,
S. S. Snyder, Secretary.

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Motion was made, seconded and carried that the confirmation of Declaratory Resolution No. 654, which provides for the condemnation of a right-of-way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision, be TAKEN UNDER ADVISEMENT.

The Board then upon motion adjourned.

JOHN C. TRIER (SIGNED)

DAVID ERWIN (SIGNED)

ATTEST: SCOTT S. SNYDER (SIGNED)
SECRETARY-CLERK

PLAINTIFF'S EXHIBIT NO. 6.

MINUTE RECORD NO. 19, - Pages 448, 449, 450, 451 and 452.

Department of Public Works,
Office of the Board,
Room 2, City Hall,
Fort Wayne, Indiana,
Regular Meeting of Tuesday, August 9th, 1932, at 10:00 A. M.,
POSTPONED until 4:00 o'clock P. M. August 9th.

PRESENT: John C. Trier, David Erwin,
Scott S. Snyder, Secretary.

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The Board then upon motion took a recess until 2:00 o'clock Wednesday, August 10th, 1932.

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The Board re-convened Wednesday, August 10th, at 2:00 o'clock P. M. and proceeded as follows:

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Thursday, the 4th day of August, 1932, at 7:30 o'clock P. M., having been fixed a date and time when the Board would hear and consider objections or remonstrances against Declaratory Resolution No. 654, which provides for the condemnation of a right-of-way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision; after re-considering the same, there being no objections or remonstrances of any nature whatsoever presented in the matter of the foregoing resolution, motion was made, seconded and carried that the said resolution be FULLY AND FINALLY CONFIRMED, and that the City Engineer be instructed to prepare a primary assessment roll for the same.

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The Board then upon motion adjourned.

JOHN C. TRIER (SIGNED)

DAVID ERWIN (SIGNED)
BOARD OF PUBLIC WORKS.

ATTEST: SCOTT S. SNYDER (SIGNED)
SECRETARY-CLERK.

PLAINTIFF'S EXHIBIT NO. 9.

MINUTE RECORD NO. 19, - Pages 463 and 464.

Department of Public Works,
Office of the Board,
Room 2, City Hall,
Fort Wayne, Indiana,
Tuesday, August 30, 1932,
Regular Meeting held at 10:00 o'clock A. M.

PRESENT: John C. Trier, David Erwin.

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Motion was made, seconded and carried that the primary assessment rolls of benefits and damages in the matter of Declaratory Resolutions Numbered:

654 - which provides for the condemnation of a right of way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision;

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be and the same are hereby APPROVED and that Thursday, the 15th day of September, 1932, at 7:30 o'clock P. M., be fixed a date and time when the Board will hear and consider objections or remonstrances against the confirmation of the said assessment rolls and also against the assessment of benefits and damages awarded on the same.

The Board then upon motion adjourned.

JOHN C. TRIER (SIGNED)

DAVID ERWIN (SIGNED)
BOARD OF PUBLIC WORKS.

ATTEST:
HELEN SHEETS,
SECRETARY PRO TEM.

PLAINTIFF'S EXHIBIT NO. 10.

MINUTE RECORD NO. 19 - Pages 482, 483 and 484.

Department of Public Works,
Office of the Board,
Room 2, City Hall,
Fort Wayne, Indiana,
Tuesday, September 20, 1932,
Regular Meeting held at 10:00 o'clock A. M.

PRESENT: John C. Trier, David Erwin,
S. S. Snyder, Secretary.

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Thursday, the 15th day of September, 1932, at 7:30 o'clock P. M., having been fixed a date and time when the Board would hear and consider objections or remonstrances against the assessment roll of benefits and damages in the matter of Declaratory Resolution Number 654, which provides for the condemnation of a right-of-way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision, motion was made, seconded and carried that the confirmation of the same be TAKEN UNDER ADVISEMENT until Thursday, September 22, 1932, at 7:30 o'clock P. M.

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The Board then upon motion adjourned.

JOHN C. TRIER (SIGNED)

DAVID ERWIN (SIGNED)
BOARD OF PUBLIC WORKS.

ATTEST: SCOTT S. SNYDER (SIGNED).
SECRETARY-CLERK.

PLAINTIFF'S EXHIBIT NO. 11

MINUTE RECORD NO. 19 - Pages 485 and 486.

Department of Public Works,
Office of the Board,
Room 2, City Hall,
Fort Wayne, Indiana,
Thursday, September 22, 1932,
Regular Meeting held at 7:30 o'clock P. M.

PRESENT: John C. Trier, David Erwin,
S. S. Snyder, Secretary.

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Thursday, the 15th day of September, 1932, at 7:30 o'clock P. M., having been fixed a date and time when the Board would hear and consider objections or remonstrances against the assessment roll of benefits and damages in the matter of Declaratory Resolution Number 654, which provides for the condemnation of a right-of-way for pole line purposes across, through and under portions of Lots Numbered 27 and 28 White's Subdivision; also a portion of the vacated alley lying between Lots Numbered 27 and 28 White's Subdivision; the hearing being continued, there being no objections or remonstrances of any nature whatsoever presented in the matter, motion was made, seconded and carried that the said assessment roll of benefits and damages be FULLY AND FINALLY CONFIRMED and ordered forthwith delivered to the Department of Finance.

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The Board then upon motion adjourned.

JOHN C. TRIER (SIGNED)

DAVID ERWIN (SIGNED)
BOARD OF PUBLIC WORKS.

ATTEST: SCOTT S. SNYDER (SIGNED)
SECRETARY-CLERK.